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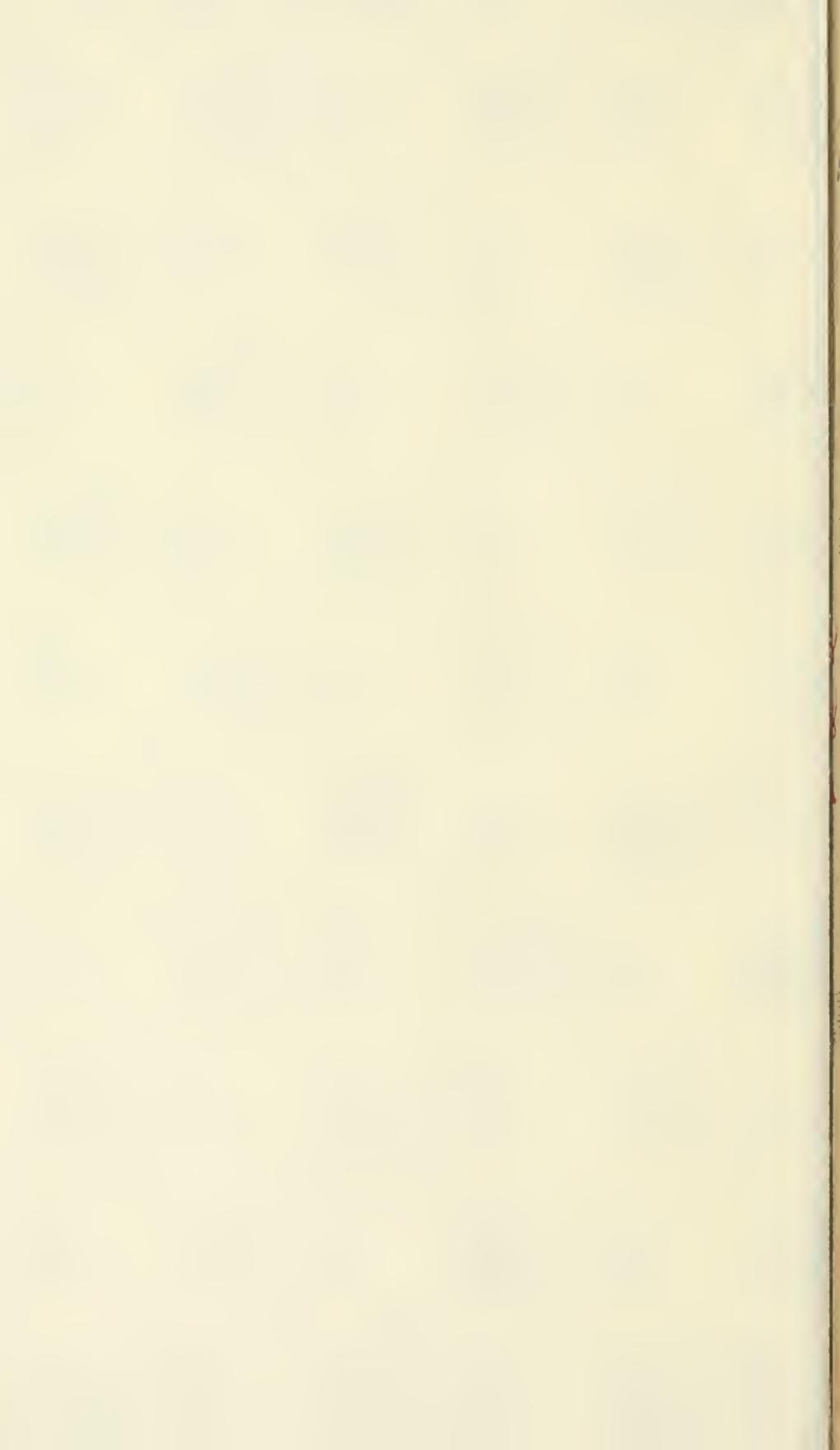


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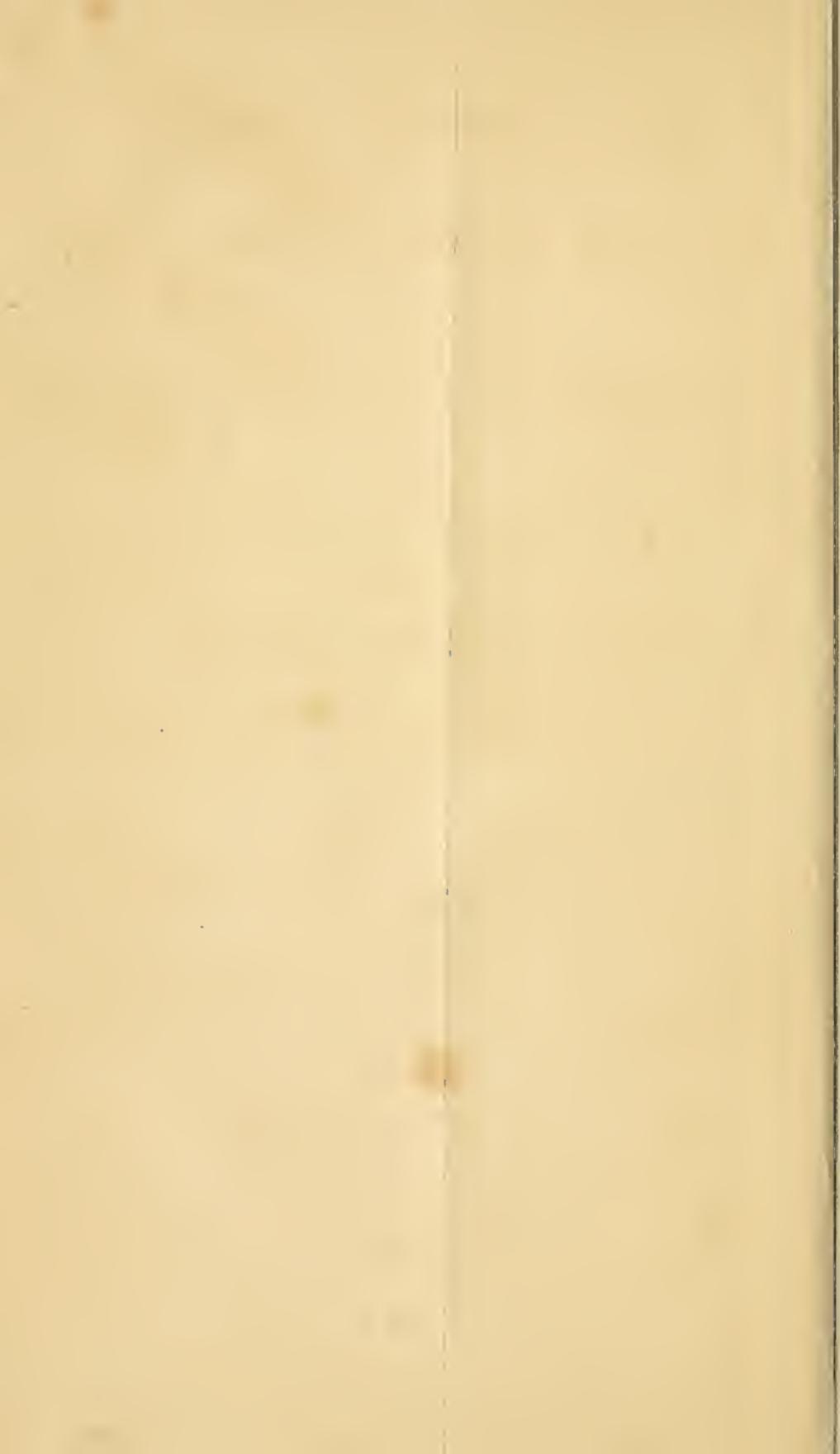
L. Ross

A BRIEF HISTORY

OF THE

ROSS SLAVES,

&c. &c. &c.



EMIGRATION TO LIBERIA.

ONE-THOUSAND APPLICANTS

FOR A

PASSAGE TO LIBERIA IN 1848.



AN APPEAL IN BEHALF

OF

TWO-HUNDRED SLAVES

LIBERATED BY CAPTAIN ISAAC ROSS.

27-5

A BRIEF HISTORY OF

THE ROSS SLAVES.



✓ New-York:

ISSUED BY THE NEW-YORK STATE COLONIZATION SOCIETY,
From their Office, Brick Church Chapel.

.....
1848.

D. Fanshaw, Book and Job Printer, 35 Ann, corner of Nassau-st.

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Coke, J.

INTRODUCTION.

THE organization of the Republic of Liberia has been followed by a manifest impulse in favor of emigration.

By reference to the Annual Reports of the last four years, it will be seen that the American Colonization Society sent but about four hundred and eighty, or one hundred and twenty emigrants each year. They were engaged indeed in the purchase of territory, the liquidation of old claims, and measures preparatory to the independence of the Colony; but had emigrants urgently applied they would not probably have been refused a passage.

Immediately, however, upon the completion of that important measure, the number of applications has increased so as to exceed one thousand for the present year. An increase was anticipated, but not to the extent that has actually taken place. In view of it the Society made an urgent appeal for aid early in the year, and though there is some improvement upon the receipts over those of 1847, the augmentation does not keep pace at all with the demands made upon them. Already five expeditions from different ports of the United States have sailed for Africa, conveying over four hundred and forty emigrants, viz.

Names.	Date.	Emigrants.
The Nehemiah Rich, from New Orleans,	Jan. 7,	with 129
" Amazon, " Baltimore,	Feb. 5,	" 44
" Liberia Packet, " "	May 11,	" 138
" Col. Havard, " Savannah,	" 6,	" 99
" Liberia Packet, " Baltimore,	Sep. 6,	" 31

A number but little short of the total number sent in the previous four years having already sail-

ed, and the consequent large expenditures admonish the Executive Committee at Washington, not to proceed further, until assured of aid from reliable sources. Though so many have been sent, 572 remain, expecting to go, most of whom, being in slavery, ask for a passage this winter and in some instances present most urgent claims. Among these, are two hundred slaves in Jefferson County, Mississippi, of the estate of Captain Isaae Ross, who died in 1836.

The Board of Managers of the N. Y. S. C. Society have resolved to appeal to their wealthy and philanthropic friends in behalf of this estate, and for their more satisfactory information, the material ✓ of the following pages, has been compiled chiefly from the African Repository. The little additional matter, connective and explanatory, has been purposely made as brief as possible.

We earnestly ask a perusal of the pamphlet, under a conviction that the history of these people will plead eloquently for aid from all the humane. The next year's crop of cotton must be planted in February, and unless they can leave before arrangements are made for it, they will certainly be delayed another year in slavery, and risk a final disappointment of their hopes of freedom. Shall not the amount needed for their passage be at once forthcoming? Are there not, among the wealthy of this City and State, men who could secure for themselves lasting satisfaction by assuming a fifth or a tenth of the sum required? In addition to funds already secured, \$5,000 would complete the work. No time should be lost. Donations will be thankfully received at the Colonization Rooms, by the Corresponding Secretary, or by M. Allen, Esq. Treasurer, 51 Wall-street.

J. B. PINNEY,

Corresponding Secretary.

A BRIEF HISTORY
OF
THE ROSS SLAVES.

In 1834 the friends of colonization in Mississippi sent out two worthy and very reputable colored men by the names of More and Simpson to examine Liberia and return with their Report.

They were highly gratified, and not only made a most favorable report, but actually emigrated the next year, and are still among the most honorable and prosperous citizens of Liberia.

This gave such an impulse to the spirit of Colonization, that within a short time several large Estates were emancipated in the vicinity of Natchez, among these, the large Estate of Capt. Ross. The first notice of this act of emancipation appeared in the African Repository, 1836, May number, as follows:—

“MUNIFICENT BEQUEST.

“The Rev. Mr. BUTLER of Port Gibson, Mississippi, in a letter to the New Orleans Observer, gives the following notice of the liberality of ISAAC Ross, of Mississippi, who died last January. Mr. Ross was an officer in the war of the Revolution, and one of the most esteemed citizens of that State. Mr. Butler says—

“The deceased was the owner of more than 170 slaves, a splendid plantation, probably better stocked than any other in the State, and now an immense Territory lying around ‘Prospect Hill.’ By his Will,

his plantation will be managed as before during the life-time of his daughter, Mrs. Reed, the relict of the late Theo. B. Reed, Esq. who died soon after his election to a seat in the Senate of the United States from Mississippi. After the event, the servants who are over 21 years are to decide by a vote of the majority whether they will go to Liberia or remain in servitude. If the election should terminate in favor of emigrating to Liberia, then all the property is to be sold, and the proceeds, together with the money realized from the sale of the crops since his death, (with the exception of 12 or 15,000 dollars subtracted for a grandchild,) are to be expended in the transportation and comfortable settlement of the emancipated in the Colony of Liberia, and the *establishment of an institution of learning in some place of the Colony.* But if a majority* of his servants, over 21 years, should elect the continuance of their servitude, then it is required that the entire estate, servants and every thing else, except the mansion and some land around it, should be exposed to public sale ; and the whole proceeds, with the exception before named, are to be vested in certain trustees, for the endowment of the said institution of learning.

" I would not attempt to make an estimate of the amount of the entire property, of which our benevolent fellow-citizen has made such a noble disposition : but I am fully persuaded it will stand among the most munificent deeds in the history of our country.

" Captain Ross hesitated long before he yielded an undoubting confidence to the measures of the Colonization Society ; and that such a man should finally give his earthly all to the keeping and for the use of the Colony, is high praise to those who knew the character of the benefactor. Now, while enemies are assailing, and friends are retreating, let us thank God for this instance of the triumph of the cause, and take courage. *Magna est veritas et prevalebit*,—for if God be for us, what matter is it who is against us?"

Mr. Butler made no estimate of the property, but the current report at the time, at the then existing prices, was, that if no litigation should prevent an immediate settlement of the Estate, the lands and moveable property would bring, at least,

* The above proviso, as will appear by other extracts, was so altered, by a codicil, as to permit as many as desired to emigrate, to do so, without regard to the action of a majority.

\$150,000, even if, as actually did happen, *all* the slaves should decide to go to Liberia. Of course, should any slaves choose to remain, their price would have to be added to the above, and increase the amount.

Had the expense of their removal and settlement been conducted on a scale of liberality as great as was the settlement of fifty liberated by Mr. Tubman of Georgia, in which case, fifty slaves received \$10,000 ; or, as in the case of Mr. Green, one of Captain Ross' neighbors, who liberated thirty-five in 1834, and gave them \$7,000 ; the cost of settling Captain Ross' people would not have exceeded, at \$200 each, \$35,000; which would have left a fund of \$115,000 for the establishment of an institution of learning in the Colony.

In April, 1836, the Board of Managers of the American Colonization Society at Washington, directed their Corresponding Secretary, Rev. R. R. Gurley, to proceed South to promote the objects of the Society. He accordingly left the City of Washington on a journey to Alabama, Louisiana, Mississippi, and several of the south-western States.

Notice of this journey was made in the August number of the African Repository, which, as it explains more fully the provisions and object of the Will, will be inserted entire.

"COLONIZATION EFFORTS AND RESULTS.

"The Secretary of the American Colonization Society, as is known to the readers of this Journal, has been engaged for several months past on a visit to the west and south-western portion of the Union, undertaken for

the purpose of presenting to public consideration, the principles and claims of the Institution. This journey, of which a more extended account will be given hereafter, has thus far been attended with auspicious consequences. The class of prejudices against the Society which it had been the labor of its southern opponents to create or inflame, Mr. GURLEY found to exist in no formidable degree in Mississippi or Louisiana, and to be accessible to the influence of *facts*; while on the other hand he was cheered by manifestations of attachment to it, warm, general, and effective. It is the expectation of well-informed friends, that one or more of the south-western States will at no distant day extend Legislative sanction and aid to the cause. Meanwhile this probability, however encouraging, has not tended to relax the efforts of individuals in that region, in some respects so highly favored, or to restrain their liberality. The subscriptions and collections already obtained by Mr. GURLEY amount to about **SEVEN THOUSAND DOLLARS**, of which nearly two thousand have been paid. This aggregate, large as it is, would have been greater, but for casual circumstances.

"Among the objects to which the Secretary's attention has been directed during his present journey, is the interest of the Society in some large bequests. In the last Annual Report of the Managers, it was stated that only a very small portion of its legacy from the late **WILLIAM H. IRELAND**, of New Orleans, had been realized. On the 21st of June a square of ground in that city, belonging to his estate, was sold for \$18,500, the proportion of which belonging to the Society is upwards of **SIX THOUSAND DOLLARS**, and will, it is hoped, be soon paid.

"In our May number (*Af. Repository*, vol. 12, p. 166) some account was given of a bequest from **ISAAC ROSS**, of Mississippi: and a copy of his Will has since been

received at the Colonization office. This instrument bears date August 26, 1834, and is accompanied by three codicils, under the respective dates of October 20, 1834, February 24, 1835, and March 16, 1835. Its provisions affecting the testator's slaves are as follows: He bequeaths to a grand-daughter his woman servant named Grace, and all her children living at the time of his decease, unless Grace should elect to emigrate to Africa, in which contingency she and her children are to be conveyed thither on the same terms with his other slaves, mentioned in a subsequent part of the Will. The same relative is desired to take charge of and maintain comfortably during the remainder of their lives, the testator's man-servant Hannibal, and Daphne, Dinah and Rebecca, who are sisters of Hannibal. An annuity of one hundred dollars is left to Hannibal and one of fifty dollars to each of his three sisters just mentioned, to be paid on the first day of January during their respective lives by the Executors of the Will; and the option is reserved to them of emigrating to Africa, in which event the annuities are to become void, and five hundred silver dollars are to be paid to Hannibal at the time of his departure. Enoch, his wife Merilla and her children, are to be sent, within twelve months after the testator's decease, free of expense to them, to such free State as they may select, and then and there legally manumitted. At the time of manumission five hundred silver dollars are to be paid to Enoch, to whom and to his wife and children the option of going to Africa is also reserved. In this event the legacy of five hundred dollars is to be paid to him at the time of his departure. To his daughter, Mrs. MARGARET A. REED, the testator leaves all the yard and house servants attached to his dwelling house, during her natural life, or until she shall think proper to relinquish the possession of them. He

directs that on her death, or such relinquishment, all his slaves, of the ages of twenty-one years and upwards, except those already mentioned, and except five others who are named, shall be called together by his executors, have explained to them the provisions of his will, and be invited to determine whether or not they will emigrate to Africa, under the care of the AMERICAN COLONIZATION SOCIETY. Those who decide affirmatively* are to be delivered to the Society, to be sent thither, and those who decline to emigrate, except the slaves already named and described, are to be sold at public auction, after one month's notice of the sale in Port Gibson and Natchez newspapers, and with the restriction that families are not to be separated. One half of the purchase money is to be paid in cash, the other half in twelve months from the day of sale; and the proceeds of the sale, together with any money on hand belonging to the testator's estate, after deducting the amount necessary to meet expenses and specific legacies, are to be paid over to the AMERICAN COLONIZATION SOCIETY, to be applied in transferring his slaves to Africa, and in their support and maintenance when there, in such manner as the Society may deem most conducive to their interest and welfare. Should a man-servant named DUKE elect to go to Africa, he is to receive at the time of his departure five hundred silver dollars. The privilege to any number of the slaves, without reference to their proportion to the whole, of emigrating to Africa, is secured by one of the codicils† to the Will. That instrument, as originally framed, restricted the privilege to the contingency of an election to emigrate

* They all with one accord decided to go to Liberia, and have been, ever since, anxiously waiting for the privilege. E.R.

† The above Codicil is referred to in the Note on page 6.

by a *majority* of the slaves convened; and provided, if the majority should refuse to go to Africa, that all, with the exceptions before mentioned, should be sold, and that the proceeds of the sale, together with any money on hand, &c. should be paid over to the AMERICAN COLONIZATION SOCIETY, to be invested by it in a fund bringing an annual interest of six per centum, which interest it was to apply to the establishment and support of one single seminary of learning in Liberia. This fund and appropriation of the interest were to continue for the term of one hundred years after the testator's decease, after which all that might remain was to be given up to any Government then existing in Liberia, to be applied by it in the same manner: but if no Government should then exist there, such residue was to be given up to the Government of the State of Mississippi, to be by it appropriated to the establishment and support of some one Institution of learning within that State. The Executors of the Will are MESSRS. DANIEL VERTNER and JAMES P. PARKER, Dr. ELIAS OGDEN, of Natchez, and MESSRS. ISAAC ROSS WADE, and JOHN B. COLEMAN.

"The Will of Capt. Ross involves great interests. The slaves who are the subjects of his bounty were kept disconnected from those on other plantations, and constitute one great family of ONE HUNDRED AND SEVENTY persons, who have been treated more like children than slaves. They are represented to have no superiors among their cast in good morals, industry, and intelligence. To render them happy appears to have been a principal object of their owner. He was an excellent planter; yet for many years, instead of endeavoring to increase his estate, he developed and applied its great resources to increase the comforts of his people. Some conception of its extent may be formed from the statement that the crop on it for the present year will pay all

the debts, and that it may hereafter accumulate at the rate of TWENTY THOUSAND dollars per annum.

"Mrs. REED, the daughter of Capt. Ross, derives from his Will an effective influence on the operation of the benevolent purposes which it proclaims. She is a lady of large fortune, cultivated intellect, and a heart full of noble and elevated sentiments. Sympathising entirely in the feelings of her beloved and venerated parent, she will not be induced by any personal consideration to procrastinate beyond a proper period the consummation of his wishes.

"Mr. ISAAC Ross, Jun. a worthy son of the lamented Capt. Ross, has directed by his Will, dated January 19, 1830, that his slaves on a plantation called St. Albans should be delivered into the possession of the AMERICAN COLONIZATION SOCIETY, to be sent to Africa."

On the return of the Corresponding Secretary, his Report was made to the Board, and published in the November number, from which we extract so much as relates to the Ross Estate, as follows:

"At Prospect Hill, nine miles from Port Gibson, Mississippi, the seat of the late Capt. Ross, the Secretary had the pleasure of conferring with his very intelligent and high-minded daughter, Mrs. Reed, on the subject of the great and humane purposes contemplated in the testament of her venerated father.—The provisions of the Will of Capt. Ross are before the public. The Will directs, that, should his slaves choose to emigrate to Liberia, his entire estate, after deducting some small legacies, shall be sold, and the proceeds thereof applied to their benefit in Africa. But that, should they decline to go to Liberia, they, together with the estate, shall be disposed of, and the proceeds be a permanent fund entrusted to the Colonization Society, the interest of which shall

be applied to establish and support a literary institution in the Colony. Every thing possible may be expected from the benevolent views of Mrs. Reed towards carrying into speedy effect this Will, prepared, as she is, to make any sacrifice of her personal feelings to the cause of humanity and duty. **It is believed, that the relatives of the deceased generally concur in the sentiments of Mrs. Reed, and that the Executors of the estate will discharge their high responsibilities with fidelity and success.* This Will involves great interests. Capt. Ross was a remarkable man, distinguished for energy, integrity and benevolence. His slaves are mostly disconnected from those on other plantations, and therefore constitute one great family of about one hundred and seventy in number, who have enjoyed almost parental care and kindness. To render them happy, appears to have been the great object of their master. For several years before his death, Capt. Ross, though a skilful manager of his estate, made no attempt to add to his capital, but developed and applied his resources to increase the comforts of his people. These people are moral, sober and industrious. The income of the estate is estimated at \$20,000 per annum. Mr. Isaac Ross, (now deceased,) a worthy son of Capt. Isaac Ross, directed by his will, that the slaves of one of his estates should be placed at the disposal of the Colonization Society, that they might be removed to Liberia."

Had these expectations, so reasonable, been fulfilled, our present appeal for aid in behalf of "the Ross Slaves" had been needless. But they were not. It would seem that the three Executors with

* The italics are ours, made for the purpose of drawing attention to the belief and expectations expressed by the Secretary.

whom Mr. Gurley had interviews, by some omission were never qualified to act authoritatively, and that consequently the Estate fell into the entire care of the only remaining Executor, of the name of Wade, who has, with other heirs at law, left no plan unassayed to defeat the Will.

Legal proceedings contesting the validity of the Will were commenced and prosecuted to the highest Court of the State, with all the delays incidental to so important a suit. The highest legal talent was employed to defend the Will, and happily successfully in every Court until it was established. While this suit was in progress, Mrs. Reed, the lady mentioned in Mr. Gurley's Report, died. Pained and aggrieved by the course pursued relative to her father's Will, she avoided a similar result by bequeathing her own slaves to the Rev. Z. Butler of Port Gibson, and Dr. Stephen Duncan of Natchez: who after sustaining a legal contest, brought by the same parties, and having successfully defended the Will, generously gave the slaves their liberty and sent them to Africa, where they are now comfortably settled.

The Ross slaves were not so fortunate: After a successful vindication of their right to freedom, by a decision of the Supreme Court sustaining the Will, they were doomed to years of delay by an ex post facto law, which the heirs expectant had influence enough to get passed through the Mississippi Legislature. Of the character of this transaction and the circumstances which marked the beginning, we have a vivid account in the following extract from the African Repository for April, 1842, page 97.

The article speaks for itself, and it is only necessary to add, that under pretence of this law, or of one of a similar purport, an action was begun on the part of the litigants to have the slaves denied their liberty, and that in the expenses incidental to the protracted struggle, all the available earnings of the slaves have been consumed. But now for the extract.

"ATTEMPT TO DEFEAT LAW, JUSTICE AND BENEVOLENCE.

"WE have of late so repeatedly had our feelings of moral justice and equity shocked, at the open and undisguised efforts to uproot the foundations upon which all the rights of individuals rest, in this country of laws, that we are hardly surprised at any new demonstration of the recklessness of principle which may be exhibited. Our abhorrence of these disorganising acts is, however, in no wise diminished by their frequent recurrence; and we believe that we are lending our aid to the cause of virtue and constitutional right whenever we expose, in their true colors, and denounce, in appropriate language, these malign influences.

"It is with this view that we have given, through our publication, as wide a diffusion as was in our power, to the honorable and manly paper which bears the signature of Dr. Ker. It details, with sufficient minuteness, the circumstances of the case which gave rise to this publication; and we cannot withhold, at this period, when dereliction from prin-

inciple is so common as scarcely to create surprise at any new manifestation of it, our expression of gratification at the manliness which it indicates. We congratulate the State of Mississippi that she has so many sons who have the disposition and ability to arrest an attempt, on the part of the Legislature, to prostrate private rights which have been recognised and sanctioned by the highest judicial decisions, and to treat as it deserves, the annunciation that 500 men ‘are pledged, and ready to prevent’ the full administration of the laws of the land. Truly, the spirit of anarchy is stalking with a bold front in our land, when ‘the people have been called upon to rise up and put the laws at defiance;’ when ‘calls have been made upon the Legislature to usurp power not granted to them by the people in the Constitution, to annul the solemn decrees of the Courts—to wrest from the hands of the citizens, property which has been devised to them under the laws of the State.’

“Among the names of those who have arrayed themselves upon the side of the Constitution, and the highest and best interests of the country, we rejoice to perceive those of men whom we have long been accustomed to honor and esteem. We rejoice, that in one branch of the Legislature a sufficient number has been found to stem effectively the torrent which threatened to involve the sacred rights of individual property, and the barriers which the Constitution had erected for their protection, in one common ruin.

“We invoke the earnest, the solemn attention of our readers, of all descriptions, and of all political

opinions, to the ‘history’ we have given for their perusal; and our earnest prayer to Heaven is, that their minds may be so illumined with the rays of religious patriotism, as to view the subject in the way in which it ought to be considered, and to perceive, in time, the frightful precipice to which such men, and such principles as are held up to our notice, are leading our beloved country.

“Dr. Ker has not only, for many years past, rendered great services to the cause of African Colonization, and, with the gentlemen to whom his letter is addressed, contributed liberally to its treasury, but has shown a resolution and consistency in defending the Laws and Constitution of the country, not to be shaken.

“CORRESPONDENCE.

“*Natchez, December 10, 1841.*

“DEAR SIR:—We are informed that during the last Session of the Legislature, an attempt was made to legislate upon rights, resulting from the last Wills of Captain Ross and Mrs. Reed, of Jefferson County. We know that a suit has been prosecuted through the courts, (the only competent tribunals,) against the validity of these wills. We know that they have been sustained by the Chancellor, and that his decision has been affirmed by the High Court of Errors and Appeals. We, (if we have been correctly informed,) deem any such attempt at legislation to be an assumption of powers not granted to the Legislature; a gross and dangerous violation of private rights. We conceive that every citizen of the State is deeply interested in a knowledge of the facts, in relation to proceedings so extraordinary, so unconstitutional, and so subversive of the foundation of a Government of Laws.

“The relation in which you stood to us, and the other citizens of this County, as our Senator, when, as we are told, these measures were originated in the Legislature, we presume, gives us authority to make this call upon you for such a statement, for the information of the pub-

lic, as you may deem necessary for a full and correct understanding of the subject.

" We are, sir, with great respect, your obedient servants,

W. C. CONNER,	JOHN F. GILLESPIE.
WILLIAM DUNBAR,	JAMES A. GILLESPIE,
JOHN HUTCHINS,	ISRAEL P. SMITH,
JOHN S. MOSBY,	JAMES H. MITCHELL,
J. RAILEY,	HENRY L. CONNER.
C. S. ABERCROMBIE,	

" To Dr. JOHN KER, *Linden.*

" To W. C. CONNER AND OTHERS.

" GENTLEMEN:—In accordance with the request made to me in your letter of the 10th December, I herewith hand you for publication a statement of facts relative to the Wills of the late Captain Isaac Ross, and Mrs. M. A. Reed, and a brief history of the attempt made during the last session of the Legislature to prevent their execution. In doing so, I can hardly hope to escape the imputation of evil motives, to discredit my statements. But I feel the most perfect confidence in the truth of all the facts which I allege, and of my ability to sustain them before any tribunal. Most of them are well known to hundreds. Whilst I feel conscious that I am influenced by no intention of injuring any fellow man, either in character or fortune, a solemn sense of duty forbids that I should suppress or disguise the truth, whatever may be the consequences to myself.

" Respectfully yours, &c.

JOHN KER.

"A BRIEF HISTORY.

" During the last session of our Legislature, measures were introduced into the House of Representatives, and passed by that body, which were evidently intended to annul the provisions of the last Wills and Testaments of the late Captain Isaac Ross, and of his daughter, Mrs. M. A. Reed, both of Jefferson County. These measures were defeated in the Senate, but, I regret to say, not without difficulty, arising, as I believe, from misrepresentations by interested and prejudiced persons; and I

have reason to believe that the purpose is not yet abandoned, but will be renewed. As I conceive this attempt to legislate away one of the rights most dear to men, and hitherto held sacred, the right to dispose of property, by will or otherwise, at pleasure, I must ask your patient attention to a brief history of the Wills which it was the object of these measures to destroy, after their legality and validity had been sustained, at the end of a severely contested lawsuit, by the highest judicial tribunal of the State.

"With the late Captain Isaac Ross, as well as his daughter, Mrs. Reed, I had the honor of a personal acquaintance for more than twenty years before the death of the former. To those who enjoyed his acquaintance, it would be superfluous for me to say that no man could sustain a higher character for unsullied probity and honor; or for vigor, energy and independence. His character was formed in the battle-fields of his country during her war for liberty and independence. By his subsequent industry and energy he acquired a large fortune, much of which, during his life, he dispensed in the liberal settlement of his children. In August, 1834, he made his will after long deliberation, and in unquestioned sanity and vigor of mind—providing that most of his slaves should have the privilege of being sent to Liberia, in Africa; and that the remainder of his estate should be sold, and after paying some legacies, (one of which was \$10,000 to a grand-daughter,) the proceeds to be applied to the use and benefit of said slaves in Africa. In October of the same year, in February, March and June, 1835, and in January, 1836, he made as many different codicils, modifying slightly, but all sustaining the main provisions of the Will. These circumstances are stated to corroborate what I allege upon my own responsibility, that he had long intended to make

the disposition of his property for which the Will provided. This is the more proper, inasmuch as great pains have been taken to make the impression, that the Will was made in the immediate prospect of death, and under the influence of ‘priests and fanatics.’ The truth is, he counselled with no priest or clergyman, and no man was ever more free from the influence of that class of men, or of any description of fanaticism. His slaves (at least most of them) had long labored with and for him, and they felt in a high degree the mutual attachment which is not uncommon in the South between master and slave, and which ought to put to shame the slanders of ignorant or wicked Northern fanatics. He ardently desired to provide for their welfare and happiness after his death. It is not for others to determine whether the plan he adopted was wise or unwise. He believed he had an unquestionable right to make such disposition as he pleased of his property, not inconsistent with the rights of others, and the laws of his country. He was rather hostile, than otherwise, to religion, or at least to the creeds taught by any of the prevailing Christian denominations; and although kind and hospitable to clergymen, and all others, who visited his house, he was far from being influenced by any one. Even the Rev. Mr. Butler, who, from having been a class-mate in college with a son of Captain Ross, had visited and become intimate in the family, had never been in any way consulted by him relative to his Will.

“Captain Ross died in January, 1836. By the provisions of one of the codicils, he had left to his daughter, Mrs. Reed, the possession and use of his residence, and other property, during her life, or as long as she might choose; and provided for the postponement of the principal provisions of the Will until her death, or such time as she might previously determine. Before her death,

she had ample proofs of the determination of some of the heirs at law of her late venerated father, to dispute the validity of the Will, and to defeat the main objects of the testator. Her filial piety was deeply wounded, and her indignation strongly excited by this intention; and fearing that they might possibly succeed, she determined to make her own Will in such manner as would, if possible, avoid the danger of litigation. She accordingly devised her whole estate, (with the exception of some small legacies,) to Rev. Zebulon Butler, and Dr. Stephen Duncan. Before making her Will, she consulted with neither of these gentlemen, whom she also appointed her executors. Nor is there reason to believe that she consulted with any one, except the legal gentleman, the late Mr. Chaplain, whom she sent for to draw up her Will. It was not until some time afterwards that Mr. Butler was apprised that he was to be one of the executors; nor even then did he know the purport of the Will. He then regretted, as he has done ever since, that his dying friend would not release him from the duty of serving her in that capacity. He could not resist the solemn and affecting appeals that she made to him when in a dying state. She had intended, at a former period, to make a nephew one of the executors of a will similar to her father's, but the course taken with regard to his Will had changed that determination, and embittered her feelings towards her relations. She was still further exasperated, by declarations made to her, that a learned lawyer had given his opinion, that she could not make a will, to effect her known wishes, that he could not break. To secure as far as possible, the principal object of her father's Will, in case of its being declared invalid, in which event one-third of his estate would be hers by legal inheritance, she made a codicil to her Will, devising to Dr. Duncan and Mr. Butler her portion of her father's estate. She

doubtless believed that in that case these gentlemen would have power to dispose, without controversy, of this property as they pleased, and that they would at least carry into effect the known wishes of her father, with regard to such of his slaves as should fall into their hands by virtue of her Will. It is also probable that she expected from them a similar disposition of her own slaves, as she left, at her decease, a letter addressed to them, stating that she had intended to make a will similar to her father's, but that having been informed that such a will might be declared invalid by the Courts, she had made another will and left them her executors. Soon after the decease of Mrs. Reed, a suit was brought in the Chancery Court to defeat both her Will and that of her father's. The Chancellor's decree sustained both Wills. An appeal was taken to the "High Court of Errors and Appeals," and there, after elaborate arguments, the Chancellor's decree was affirmed. The ground on which the Wills were contested, was (*assuming* that the devise to Dr. Duncan and Mr. Butler was a *trust*, for the real purpose of emancipating the slaves,) their alleged 'contravention of the laws and policy of the State,' in regard to the manumission of Slaves. The Courts decided that the laws and policy of the State, as opposed to manumission, except by legislative consent, had no application to a will providing for the removal of slaves beyond the limits of the State for the purpose of manumitting them—the object of the law referred to, having been only to prevent an increase of free negroes within the limits of the State. By the law, no citizen could manumit his slave or slaves within the State, except in specified cases, and by legislative action. But no shadow of doubt could exist, that any citizen possesses the right (which cannot be taken from him even by law) to remove his slaves from the State for the purpose of

setting them free, or any other, at his pleasure. Nor until recently was it ever doubted that the right exists in every one, to provide by will for the removal of his slaves from the State after his death, without question of his motive or object. Several wills of this nature have been made and executed in this county without even a question of the right, without allegation of their contravening the laws and policy of the State, and without even a suspicion that they were calculated to disturb, or that they had disturbed the peace or safety of society in the relation of master and slave. And in reference to the charge of religious or fanatical influence in dictating the many wills which have provided for the transportation of slaves to Africa, it is a remarkable fact, that so far as I know, in every case of such testamentary provisions, the testator has not been a professor of religion, but on the contrary, some of them have been decidedly hostile to every known Christian sect.

" Having, as briefly as possible, stated the facts in relation to these Wills, I am now prepared to give you the history of the most extraordinary attempt at legislation which has ever occurred within my knowledge.

" On the 10th day of January, during the last adjourned session of our Legislature, the following resolution was passed by the House of Representatives, and sent to the Senate for concurrence :

" Whereas, it is provided by the laws of this State, that no citizen thereof shall, by his or her last will or testament, manumit or set free his or her slaves, except by the Legislature of this State, evidenced by a special act for that purpose passed; and whereas, Isaac Ross and Margaret A. Reed, late citizens of the County of Jefferson, in this State, did, by their last Wills and Tes-

taments, attempt, directly and indirectly, to manumit upwards of 300 slaves, belonging to them at the time of their decease, for the purpose of colonizing them in Africa, or elsewhere; and whereas, it is contrary to the settled policy of this State, and of dangerous example to the slaves thereof, to encourage or permit their manumission under the circumstances aforesaid,

"Therefore be it resolved by the Legislature of the State of Mississippi, That they will not consent to the manumission, either directly or indirectly, of the slaves mentioned in the last Wills and Testaments of the said Isaac Ross and M. A. Reed, nor will they consent to the transportation of said slaves to Africa or elsewhere, for the purpose of being there manumitted."

"On the 3d day of February, this resolution was finally laid on the table of the Senate by a majority of one vote.

"On the 22d of January, the following bill was introduced into the House of Representatives, and the rules having been dispensed with, was passed, (without a call of the ayes and nays,) and sent to the Senate:

"An act declaratory of the laws and policy of this State, on the subject of domestic slavery.

"SECTION 1. Be it enacted, &c. That from and after the passage of this act, no executor or executors, or any other person or persons, shall remove, or cause to be removed, the slave or slaves of any deceased person or persons from this State, for the purpose of transporting such slave or slaves to Africa or elsewhere, for the purpose of colonization, emancipation, or freeing such slave or slaves, under, or by virtue of any will or codicil for that purpose.

"SEC. 2. Be it enacted, &c. That in all such cases, when the slave or slaves of any deceased person or persons shall have been devised in trust, or left to the executors, or other persons, for the purposes prohibited by

the 1st section of this act, that such slave or slaves shall descend to, and be distributed among the heirs of such deceased person or persons, in the same manner as if such deceased person or persons had died intestate.

“SEC. 3. *Be it enacted, &c.* That this act shall take effect from and after its passage.”

“This bill having been committed to a Committee of the whole Senate, the following amendments offered by Senator Tucker, (now Governor elect,) were, on the 3d of February, adopted by the Senate,—ayes 16, noes 14, viz:

“‘Amend, Section 1. By inserting after the word “*Executors,*” in the 3d line (of the bill) the words following, viz: “of any last will and testament or codicil, hereafter made and published,” and by inserting after the word “persons,” same line, “by authority created or conferred after the passage of this act.”’

“The bill with these amendments (which it is obvious were necessary to prevent the law from having a retrospective, and therefore unconstitutional operation) was passed and sent back to the House of Representatives for their concurrence in the amendments. The printed journals of the House of Representatives show no trace of the bill there, except the message from the Senate, asking concurrence in the amendments, but on the 4th of February it was sent back to the Senate with a message refusing to concur.

“On the 5th of February, the message of the House of Representatives was called up, and a strenuous effort made to recede from the amendments. But on my motion the bill was laid upon the table until the Monday following, which was a day after the close of the session. This was equivalent to rejection. By joint resolution of the two Houses, the session was to close on Saturday evening, the 6th of February, at 7 o'clock.

“Long after 7 o'clock, perhaps 9 or 10, on the evening

of the 6th, whilst I was for a moment absent from the Senate Chamber, an attempt was made to call up the bill. On my return I stated to the Chair, that having been ‘laid upon the table until Monday next,’ (a day beyond the session,) ‘the bill could not be called up, except by a motion to reconsider,’ which could be made only by one of the majority who had voted to lay it on the table. It was alleged by some Senators that this was not so, and the Senator in the Chair (not the President, but the same who occupied it the day preceding, when the bill had been disposed of) declared he did not recollect. I insisted, and expressed my surprise that the Chair did not remember, as immediately after the vote I had emphatically called his attention, and that of the Senate, to the fact, that the motion which had just been carried was to lay on the table *to a day beyond the session*. I appealed to the Senate. The President (*pro tem.*) appealed to the journal. This had not been made up, and read, as usual, in the morning. The Secretary, after looking at his notes, at first alleged that it was the ordinary motion simply ‘to lay upon the table.’ But when I still persisted, and moved a call of the Senate, he at length discovered that I was right. Thus ended, for that session, this extraordinary attempt to legislate away the solemn decisions of the highest judicial tribunals of the State.*

“ * I cannot but here state a fact, (without attempting to attach blame to any individual, for I know not who is culpable,) that the printed Journals of the sessions in which I served as a Senator, are exceedingly erroneous. To specify an instance or two: In the Journal of the House of Representatives, there is no note of any proceedings on the 20th January, and yet the House transacted business on that day. Again, in the Journal of the Senate, on the 5th of February, there is no record of proceedings of the Senate on the above mentioned bill, and yet it was, as above stated, taken up, and on my motion, after debate, ‘laid on the table until Monday next.’ And the minutes of Saturday, the 6th, in relation to the action of the Senate on

" Soon after these measures had passed the House of Representatives, and whilst their fate was pending in the Senate, I addressed myself to a member of that House, whom I happened to see in the lobby, and with whom I had always enjoyed respectful and friendly intercourse, and expressed my astonishment to him that the House of Representatives could pass measures of such a character—striking, as I conceived, at the roots—the very vitals of a government of laws and equal rights. I scarcely know which surprised me most, the fact of his advocating them, or the grounds upon which he did so. *He said, in substance, that 'if the Wills should not be defeated by the Legislature, they would be by violence—that every man in Jefferson County was opposed to the Wills, and that 200 men were ready to oppose their execution by force of arms, and that he wished to save that county, from the odium or disgrace of such a procedure.** He admitted that he did not believe that the Legislature could reverse a decision of the Courts; but he wished their action upon this subject to exert a moral influence,' &c. I confess that I was then, as I am now, incapable of understanding how a legislative act, the plain and obvious import and object of which was to make *null* and *void*, and to *reverse* the decrees of the High Court of Errors and Appeals, could exert any *moral* influence. Nothing that I can conceive of could be more fatally *demoralizing* in its effects.

" Another highly respected member of the House of Representatives denied to me that the Will was intended to have any retrospective operation, or to affect the de-

that bill, does not state the truth. It was *not* taken up, (although an attempt was made to take it up, contrary to all rules,) nor was it on that day *LAID UPON THE TABLE*, as stated by the Journal. It is no light matter that the Journals of the Legislature should be falsified."

* This sentence has been *italicised* by me.

J. B. P.

cisions of the Courts. But how can these gentlemen reconcile these declarations with the fact, that when the Senate made the amendments which rendered the bill *prospective only*, and deprived it of its obviously intended *retrospective character*, they refused to concur in the amendments. If, as the *innocent title* of the bill purported, the intention was *bona fide* to declare the laws and policy of the State for the *future government* of its citizens, why did they not agree to the amendments? But no! this would not reach the real object, and therefore the friends of the bill would not have it. The prime movers of this measure were *interested lobby members*, and especially *one* who had labored hard, but ineffectually, in the Courts for a large contingent fee, and who was now to be seen, day after day, and week after week, in the lobbies of the Legislature, diligently and ardently promoting the passage of these measures by such arguments as he deemed most potent, and which had well nigh effected their adoption.

"But what were the strong arguments used on the floor of the Senate to sustain these measures? In addition to those already alluded to, I think the most prominent were the following:

"1. It was alleged that insubordination existed among the slaves of these two estates, to such an extent as to produce great and general alarm in the neighborhood, and even lively apprehensions of an insurrection, &c. I cannot do justice to the eloquence which was called into exercise in the description of the dangers and the horrors which impended over this ill-fated neighborhood. But, like many other splendid passages of poets and orators, this eloquent description had much more of fiction than fact for its foundation. Subsequent investigation has enabled me to say, that on the estate of Capt. Ross there never had been the slightest insubordination; and on

that of Mrs. Reed, none more formidable than frequently occurs from the change of overseer; and none that was not promptly quelled by the energy and resolution of a single citizen. But for the sake of argument, suppose it had been true, that the negroes were a vicious, insubordinate and dangerous set. What would have been the danger to the neighborhood, or to the State, of sending them off to Africa? But one of the complaints actually made against the executors of one or both of the Wills, was, that the negroes had not been *promptly* removed. This complaint comes certainly with a bad grace in behalf of those who, by bringing a law-suit to defeat these Wills, coerced the Executors to incur the heavy expenses incident to litigation when so large an amount was involved—expenses amounting to more than thirty thousand dollars, and thereby created the necessity of detaining the slaves, (even after the termination of the suit,) to defray them. They first prevented the possibility of removing the negroes, by bringing a suit to break the Will, and then charge the Executors with unnecessary delay, because they have to be detained to make the money to pay the expenses of the suit.

" 2. It was insinuated, if not alleged, that the Wills were made under the influence of the terrors of death and judgment, inspired by 'priests and fanatics,' operating upon minds enfeebled by disease and suffering. Much also was said of a similar character. These allegations, if true, and if they had been proved before the Courts upon the trial, might have had some just weight; but unfortunately there is not a shadow of truth to support them, and I believe not even an attempt was made to prove them. And in the case of Captain Ross, the Will itself bears internal and irrefutable evidence of the contrary. The privilege intended to be secured to most of his slaves was distinctly excepted and withheld by the

testator from a portion of them, whom he directed to be sold. This proves that it was no death-bed alarm of conscience from the abolitionists' sin of slaveholding. It is evident that if this had been the feeling which prompted the Will, it would have been made to embrace *all* the slaves in the provisions for emigration to Africa.

" 3. It was alleged of the executors of Mrs. Reed, that one (Mr. Butler) was a clergyman, and that the other (Dr. Duncan) is a very rich man, and president of the Colonization Society. An artful attempt was made to identify colonization with abolitionism, and to attach the odium which very properly falls upon the latter, to all who would be concerned in executing the intentions or supposed wishes of the testators in regard to the removal of the slaves to Africa. Much was said about fanaticism and 'abolitionism in disguise.' I have said that an *artful* attempt was made; because I can scarcely suppose a Senator, and especially the principal champion on this occasion, so badly informed on the subject as not to know that the most *deadly hostility* exists, on the part of the abolitionists, to the Colonization Society, and to the object to which (in the language of its constitution) 'its attention is to be *exclusively* directed,' viz: 'to promote and execute a plan for colonizing (with their own consent) the *free people of color* residing in our country, in Africa or such other place as Congress shall deem most expedient.' The chief difficulty in the way of the Society is want of adequate funds. Emigrants are offering themselves in greater numbers than they have means for transporting and providing for. This fact proves that the Society could have no motive to persuade masters to emancipate their slaves.

" The characters of the gentlemen who, without their knowledge had been appointed the executors of Mrs. Reed's Will, require no defence at the hands of so hum-

ble an individual as myself. They are emphatically men *without reproach*. One of them, it is true, is a clergyman ; but this, I trust, can only be a subject of reproach, even among those who make no profession of religion, when the life and conduct is inconsistent with the profession. It is in vain that diligent efforts have been made to attach odium to him in consequence of his unfortunate connection with one of these Wills, whilst it is impossible to deny to him the most absolute disinterestedness. Even his accusers unintentionally praise him. Of what is he accused ? Of intending or desiring to remove to Liberia, in Africa, *his own slaves*. A will has been made, by virtue of which, so long as there is any law in the land, the property, slaves and all, of the late Mrs. Reed, have incontestably become the property of Mr. Butler and Dr. Duncan. Their title to the property cannot be questioned ; and if there was an execution in the hands of the sheriff of that county against either of these gentlemen, it would be subject to seizure and sale to satisfy the execution—nor could any legal power prevent it. Who will deny that Mrs. Reed had the right to make these gentlemen her heirs ? Well, if they had applied the estate to their own use, they might unquestionably have done so. But because they desire to make a disposition of the property by which they cannot be benefitted, they are abused and vilified, and even threatened with the interposition of force to prevent the execution of their intentions. It has been publicly boasted that 500 men are pledged, and ready to prevent them from removing their slaves.*

"I appeal to you, if this is a mere private contest for

* I have heard it said that Dr. Duncan actually obtained his portion of the slaves by having them run away from the plantation, and secreted on the banks of the Mississippi until a steamboat was hailed to take them on to Louisiana, whence he sent them to Liberia. J. B. P.

property in which we have no concern. So long as it was confined to the judicial tribunals, this would have been the case, and public discussion of the subject would have been improper. But on the part of those who contested the Wills, this becoming silence was not observed, even pending the litigation in the Courts. Publication was made in the newspapers of the briefs of the lawyers, and other *ex parte* views of the case, for no other obvious purpose than that of operating, through popular prejudices, upon the Courts. There was nothing in this case to justify, or even to apologize for such attempts to create popular excitement. It demanded only the calm and unbiassed judgment of the Courts—the only tribunals which could legally take cognizance of the questions at issue. But after the most full and labored arguments of the most able and learned counsel on both sides, the high Court of Errors and Appeals, the highest tribunal in the State, affirmed the judgment of the Chancellor, sustaining the Wills. But, as you have seen, the contest was not given up. The people have been called upon to rise up and put the laws at defiance—calls have been made upon the Legislature to usurp power not granted to them by the people in the Constitution, to annul the solemn decrees of the Courts—to wrest from the hands of citizens property which has been devised to them under the laws of the State. And shall it be said that you and I have no concern with these extraordinary movements? If we quietly fold our arms and passively acquiesce in such proceedings, what security, I ask, have any of us for the protection of law to our property, our lives, or our liberty? To what purpose have we yielded a portion of our natural liberty, in the constitution of civil government, if, on the one hand, we are compelled to submit to the decisions of the established tribunals of the country; whilst on the other, in the protection of our

rights and property, and perchance of our lives, the same authority is to be trampled upon and set at naught? Has it indeed come to this, that the laws of the land are to be annulled by one man, or even by 500 men, because certain testators did not happen to make their Wills in accordance with their views, or with public sentiment? Let us not deceive ourselves. Passive acquiescence in such doctrines or in such measures is *criminal*. "The poisoned chalice may soon be returned to our own lips." *We may be the next victim to the ruthless hand of lawless usurpation and violence.*

"I am, Gentlemen, your friend and fellow-citizen,
"JOHN KER.

"LINDEN, December 15, 1841.

"NOTE.—The above letter was written some time ago, and would then have been published, but that the writer was informed that some legal steps had been renewed in relation to one of the Wills. The publication was then suspended. The writer has, however, just seen a copy of the 7th section of a bill now before the House of Representatives, entitled 'An act to amend the several acts of this State relative to free negroes and mulattoes.' This section is so palpably adapted, and intended to bear upon these Wills, that he cannot feel at liberty longer to withhold the publication.

"February 1, 1842."

While the legal proceedings which arose under this law were slowly progressing, application was made to the Chancellor of the State to appoint a Receiver to take charge of the Estate for the A. C. S. and an order obtained for that purpose.

Mr. J. Chambliss, a near neighbor of Captain Ross, notwithstanding the odium which such a step would excite among a people, where, according to Mr. Ker's letter, it was "publicly boasted that

500 men are pledged and ready to prevent their removing the slaves," had the courage to consent to act as Receiver, and actually entered into good and sufficient bonds to the amount of \$100,000 for a faithful performance of his duties.

The executor did not give over the property to the Receiver. Whereupon application being made, the Chancellor directed an order to the Sheriff to place the estate in his hands. This order, by direction of the Probate County Court, which claimed *exclusive jurisdiction* in the *settlement* of Estates, he refused to execute.

Complaint being made of this refusal, another peremptory order was issued by the Chancellor to the Sheriff, which the writer had the privilege of placing in his hands. The Sheriff, evidently did not know how to act; in the double fear of offending the Chancellor on the one hand, or those on whose favor he and the Probate Judge depended for their offices on the other. After some time taken for consideration, he consented to obey the Chancellor, notified the Receiver to be ready on a certain day and hour at the Plantation to receive them. The Receiver got ready, and perhaps anticipating some violence or broil, having assembled some of his friends and the supporters of law, awaited the coming of the Sheriff, intending to accompany him. The day passed off and no Sheriff appeared; but on inquiry it was ascertained that as he was starting in the morning to obey the Chancellor's orders, lo! the Coroner of the County! imprisoned him, as a violater of the authority of the Probate Court!!

I fear the above narrative will be considered too

long, but it seemed impossible more briefly to set forth the difficulties which for twelve years have deferred the hopes of these poor slaves until their hearts are sad with waiting.

The inquiry very naturally will be, if, now litigation is exhausted and the Will sustained, why cannot the slaves be sent out as Capt. Ross intended? Surely an Estate so large as \$150,000, of which Mr. Gurley estimated the annual net income in 1836 at \$20,000, and on which the population has increased, in the 12 intervening years, from 170 to 235 persons, cannot but now be ample both for their settlement and for founding the College as proposed by the Devisor. Ah! my reader! think you so! Well the conclusion is natural; the more so as the Executor, meantime, besides sharing largely in the expenses of twelve years defeated litigation, from having been poor, is now reputedly become the possessor and owner of a large plantation, well stocked with slaves, in Louisiana.

But it appears that enormous estate, Capt. Ross', with several thousand dollars each to begin with, has been so managed that it took all the real estate and the whole of the present year's (1848) crop of cotton to pay off the debts, leaving the two hundred slaves destitute of means for their removal.

Let all who peruse the above facts endeavor to realize the years of agony and suspense which they have suffered, and then prepare such an answer to this appeal for aid as their hearts dictate.

We need about \$5000 more than is yet obtained. Let us beg you for a liberal and early response.

Since the beginning of this year over one thou-

sand names have been placed on the list of applicants for a passage to Liberia.

Four hundred and forty have gone in five vessels; five hundred and seventy remain, among whom are these two hundred.

Let us have the means of sending all. Let us encourage the growing feeling in favor of emigration, and the present age may see many new settlements on the shore of benighted Africa, from which the light of Civilization, Liberty and the Gospel shall shine forth, and which shall stand as bulwarks against the piratical slave trade.

Copy of a Resolution passed by the Board of Managers of the N. Y. S. C. S. at a Meeting held Nov. 25th, 1848.

Whereas, a communication from the Rev. Mr. Mc Lain, Cor. Sec., A. C. S. has been received by this Board, setting forth the circumstances which make a most pressing claim upon their Treasury for the transportation of several hundred emancipated slaves, in addition to those already sent the present year.

And whereas, a vessel is authorised to sail from New Orleans on the 1st of January with about 300 emigrants, among whom are two HUNDRED SLAVES on one plantation in Mississippi, emancipated by Capt. Ross, whose peculiar condition makes a most urgent appeal upon our sympathies.

Resolved, That, if no unforeseen impediment should arise to prevent their liberty of removal, this Board depending upon the liberality of the public, to sustain their action, will undertake to defray the expense of the passage to Liberia, of the 200 slaves of the Ross estate.

